

Kara B. Hendricks (NVSN 7743)
Christopher R. Miltenberger (NVSN 10153)
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, NV 89169
Telephone: (702) 792-3773
ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

Christopher Tayback (CA SBN 145532, *pending admission pro hac vice*)
christayback@quinnemanuel.com
Michael L. Fazio (CA SBN 228601, *pending admission pro hac vice*)
michaelfazio@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443-3000

Attorneys for Defendant Jinro America, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GOLD WATER TRADING CORPORATION,
a Nevada corporation,

Plaintiff,

vs.

JINRO AMERICA, INC., a foreign
corporation; DOES I-X, inclusive; and ROE
Corporations and Limited Liability Companies
I-X, inclusive,

Defendants.

CASE NO. _____

**DEFENDANT JINRO AMERICA, INC'S
NOTICE OF REMOVAL**

TO THE CLERK IN THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Jinro America, Inc. ("JAI"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the action entitled *Gold Water Trading Corporation, a Nevada corporation v. Jinro America, Inc., a foreign corporation; Does I-X, inclusive; and Roe Corporations and Limited Liability Companies I-X, inclusive* (the "State

1 Action”) from the District Court of the State of Nevada for Clark County to the United States
2 District Court for the District of Nevada. As grounds for this removal, Defendant states as
3 follows:

4 **Timeliness of Removal**

5 1. The State Action was filed on January 31, 2018, in the Clark County District
6 Court.

7 2. The undersigned counsel for Defendant JAI obtained a copy of the State Action
8 Complaint on February 5, 2018, when Defendant JAI’s registered agent was served with
9 process.

10 3. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings,
11 and orders served upon Defendant JAI¹ in the State Action are attached hereto as Exhibit A.

12 4. Defendant JAI will serve this Notice on Plaintiff and shall file a Notice of Filing
13 of Removal with the Clark County District Court.

14 5. Because they have not been served with process in this matter, consent to remove
15 from fictitious potential Defendants is not required. 28 U.S.C. 1446(b)(2)(a); *Taylor v. Flagstar*
16 *Bank FSB*, 2011 WL 5245451, at *1 (D. Nev. Nov. 1, 2011), *citing Salveson v. Western States*
17 *Bankcard Ass’n*, 731 F.2d 1423 (9th Cir. 1984).

18 6. This Notice of Removal is filed within thirty days of receipt of the Complaint
19 and within one year of commencement of the State Action and is therefore timely. 28 U.S.C. §
20 1446.

21 **Diversity of Citizenship**

22 7. Pursuant to 28 U.S.C. § 1441, a civil action brought in state court may be
23 removed to the United States District Court embracing the place where the state action is
24

25 ¹ Upon information and belief, Plaintiff has been serving JAI through its Resident Agent and not
26 all documents filed have been forwarded to counsel. Defendant has made its best efforts to
27 obtain filed copies from the State Court’s website, but have yet to obtain a copy of Plaintiff’s
28 Motion for Preliminary Injunction and will supplement this filing accordingly.

1 pending provided there is original jurisdiction.

2 8. Removal of this case is appropriate because this Court has original jurisdiction
3 based on diversity of citizenship under 28 U.S.C. § 1332.

4 9. Plaintiff is a Nevada corporation with its principal place of business in Nevada.
5 *See* Ex. A-1 (Compl. ¶ 1). Plaintiff accordingly is a citizen of Nevada. *See* 28 U.S.C.
6 § 1332(c)(1).

7 10. Defendant JAI is a citizen of Washington and California because it is a
8 corporation organized under the laws of the state of Washington with its principal place of
9 business in Cerritos, California. *See* 28 U.S.C. § 1332(c)(1).

10 11. Fictitious Defendant Does I-X and Roe Corporations and LLCs I-X are not
11 considered for diversity purposes. *See* 28 U.S.C. § 1441(b)(1).

12 12. Therefore, all real parties in interest joined as Defendants are not citizens of
13 Nevada, while the Plaintiff is.

14 **Amount in Controversy**

15 13. This Court's jurisdiction under 28 U.S.C. § 1332 is proper because the amount in
16 controversy, exclusive of interest and costs, is in excess of \$75,000.00. *See* 28 U.S.C. §
17 1332(a).

18 14. Plaintiff seeks in excess of \$15,000 in damages under six (6) separate causes of
19 action. *See* Ex. at A-1 (Compl. ¶¶ 50, 56, 62, 71, 79, 85). Plaintiff also seeks
20 punitive/exemplary damages. *See id.* at A-1 (Compl. ¶ 73). Plaintiff also obtained a temporary
21 restraining order on February 8, 2018 (and seeks a preliminary injunction) enjoining and
22 ordering Defendant JAI as follows: (1) enjoining Defendant JAI from terminating the
23 "agreement" with Plaintiff for the distribution of Defendant's products to businesses and
24 restaurants in Nevada; (2) enjoining Defendant JAI from advertising, soliciting or doing
25 business with any other entity in Nevada for the distribution of Defendant JAI's products; (3)
26 ordering Defendant JAI to fulfill all purchase orders from Plaintiff and provide marketing and
27 advertising materials; and (4) ordering Defendant JAI to retract its termination notice. *See id.* at

1 A-3 (State Action Order at 3). The revenues for these business operations in Nevada exceed
2 \$75,000 and Plaintiff alleges that if it stopped distributing Defendant JAI's products in Nevada,
3 it would cause it to "cease business operations in approximately one (1) month." *See* Ex. A-1
4 (Compl., ¶¶ 91, 93).

5 WHEREFORE, Defendant JAI requests that the above-captioned action be removed to
6 this Court for determination of all issues, trial, and judgment.

7 Dated: February 12, 2018

GREENBERG TRAURIG

8 By: /s/ Kara B. Hendricks

9 Kara B. Hendricks (NVSBN 7743)
10 Christopher R. Miltenberger (NVSBN 10153)
11 3773 Howard Hughes Parkway, Suite 400 North
12 Las Vegas, NV 89169

13 Christopher Tayback (CA SBN 145532, *pending*
14 *admission pro hac vice*)

15 Michael L. Fazio (CA SBN 228601, *pending*
16 *admission pro hac vice*)

17 QUINN EMANUEL URQUHART
18 & SULLIVAN, LLP

19 865 South Figueroa Street, 10th Floor
20 Los Angeles, California 90017-2543

21 *Attorneys for Defendant Jinro America, Inc.*

GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002